

# **Washington State Department of Transportation (WSDOT)**

## **Quarterly Title VI Coordinators Meeting**

September 27, 2011

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Director, Office of Equal  
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Secretary of Transportation

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Title VI Coordinators

# Introductions

# Agenda

- Reporting Requirements
- Limited English Proficiency (LEP)/Environmental Justice (EJ)
- Federal Reports
- Public Involvement Forms
- Training Needs
- Program Updates

# **Title VI Reporting Requirements:**

- **Title VI Plan** – Agencies serving a population of 100,000 or more.
- **Non-Discrimination Agreement (NDA)-**  
Agencies serving a population less than 100,000.
- **Annual Update & Accomplishment Reports-**  
Due yearly on the date that your plan was approved.
- **Compliance Reviews-** Completed periodically.

# Title VI Plan Submission

## **Policy Statement**

- ☒ Signed by current CEO
- ☒ Reflection of commitment
- ☒ Include all related Federal Laws and Regulations

## **Authorities**

- ☒ Title VI of the Civil Rights Act of 1964
- ☒ CFR 23 Part 200
- ☒ 49 CFR 21.5(b)(7)
- ☒ National Environmental Policy Act (NEPA)
- ☒ Civil Rights Restoration Act of 1987
- ☒ 23 U.S.C. 109(h)
- ☒ Presidential Executive Order 13166 (LEP)
- ☒ Presidential Executive Order 12898 (EJ)

# **Title VI Plan Submission...cont**

## **Organization & Staffing**

- ☒ Table of organization
- ☒ Title VI Coordinator & Specialists should be clearly identified
- ☒ Reporting relationships identified

## **Program Emphasis Area** – must demonstrate Title VI compliance

- ☒ Planning
- ☒ Research
- ☒ Design
- ☒ Education & Training
- ☒ Right of Way
- ☒ Construction
- ☒ Maintenance

## **Title VI Standard Assurances & Appendixes**

## **Complaint Procedures**

## **Table of Contents**

# Non – Discrimination Agreement (NDA)

- WSDOT generic template
- Review for clarity – this is a legally binding document
- Policy Statement and NDA need CEO signature
- Attachment #1 should include Table of Organization
- Attachment #2 should include a list of major transportation related programs and activities
  - ✓What are the Title VI responsibilities for each program identified?

# Annual Update & Accomplishment Reports

*\*\*\*Due yearly on the date that the most current plan/NDA was approved*

## **Areas that need improvements:**

- **Demographic data**

- How is this information being used?
- Do you have a significant population of a minority group?

- **Public Outreach**

- Is public outreach being conducted?
- Does it reach minorities and low income populations?
- How do you determine if there are language barriers?



Break – 10 minutes



# Executive Order 13166

## Limited English Proficient (LEP) Populations

- Directive to agencies to ensure people who are LEP have meaningful access to services
- Non-discrimination authority based in Title VI - National Origin Discrimination
- Federal aid recipients must take reasonable steps to ensure LEP persons have **meaningful access** to programs, services and information those recipients provide
- May require providing written/oral communications in a language other than English
- Also see: [www.lep.gov/recipbroch.html](http://www.lep.gov/recipbroch.html) and [www.usdoj.gov/crt/cor/lep/dotlep.htm](http://www.usdoj.gov/crt/cor/lep/dotlep.htm)

# Assessment: Four Factors

- **Demography** - Number and/or proportion of LEPs served and languages spoken in service area
- **Frequency** - Rate of contact with service or program
- **Importance** - Vital documents - Nature and importance of program/service to peoples lives (transportation)
- **Resources** - Available resources, including language assistance services

# LEP Plan of Action: Five Elements

- Demographics - identification of volume and location of LEPs and LEP communities
- Language Assistance Measures:
  - Types of Language Assistance available
  - How to respond to LEP callers/in person/in writing
  - Types of documents to translate \*see four factor assessment
- Staff:
  - Policy and Procedures
  - Linguistic diversity and sophistication/certification
  - Cultural sensitivity and communication skills
  - Training and experience
- Outreach Measures:
  - Notification of special language assistance
  - Provided in appropriate languages other than English
- Monitoring and Evaluation of Efforts

# LEP Services: Key Points

- Provide Qualified Interpreters - family, friends and staff may satisfy initial contacts, but they are not necessarily qualified interpreters
- Use qualified translation services for documents
- Remember dialect differences
- Services are not required in every language
  - 5% rule
  - Four Factor Analysis
  - Individual service still required
- Train staff to anticipate the need for LEP services

# **Environmental Justice (EJ)**

## **Presidential Executive Order 12898**

- Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-Income Populations
- Signed by President Clinton on February 11, 1994
- Requires identification of high and adverse human health or environmental effects of programs, policies, and activities on minority and low-income populations
- DOT Order 5680.1, April 15, 1997 establishes policies to promote the principles of EJ by incorporating them in all DOT programs
- Also, Chapter 24 of WSDOT's LAG Manual & Chapter 458 of WSDOT's Environmental Procedures Manual

# **Avoid Discrimination and Adverse Effects/Impacts by:**

- Identifying and evaluating aspects of programs that are likely to result in adverse effects/impacts
- Proposing mitigation measures or offsetting benefits and opportunities
- Considering alternative options
- Providing public input opportunities to assist in the above
- Document, document, document

# **Environmental Justice – Three Basic Principles**

- Avoid, minimize or mitigate disproportionately high and adverse effects on minority and low-income populations
- Ensure the full and fair participation of minority and low-income populations
- Prevent the denial of benefits to minority and low-income populations



# Some Specific Strategies

- Maintain proper statistical, income, and demographic data;
- Develop public involvement strategies according to the situation at hand;
- Create an atmosphere of trust and respect;
- Empower the community by listening, and providing prompt response to inquiries;
- Establish a two-way free and frank line of communication with the public;
- Conduct periodic reviews and evaluations;
- Document, Document, Document.

# Lunch

- List of local restaurants in packet

# Federal Reports – Title VI

- FHWA Title VI Plan
- FTA Title VI Plan (updated every 3 years)
- FHWA Annual Update & Accomplishment Report (yearly)
- FTA Title VI Review
- Statewide Management Review
- Triennial Review

# Public Involvement Forms

- [Public Involvement Form - English](#) (pdf 26 kb)
- [Public Involvement Form - Spanish](#) (pdf 27 kb)
- [Public Involvement Form - Korean](#) (pdf 125 kb)
- [Public Involvement Form - Russian](#) (pdf 47 kb)
- [Public Involvement Form - Tagalog](#) (pdf 26 kb)
- [Public Involvement Form - Vietnamese](#) (pdf 54 kb)
- [Public Involvement Form - Chinese Simplified](#) (pdf 139 kb)
- [Public Involvement Form - Chinese Traditional](#) (pdf 150 kb)

# Training Needs

1. Does your organization need Title VI Training?
  - Do you need general training or specific (LEP, EJ, Public Participation, etc).
2. Formal training vs. Self Study

Break – 10 minutes



# Program Updates

# Final Remarks

- **Questions?**
- **Comments?**
- **Suggestions?**



# **FOR TITLE VI ASSISTANCE, CONTACT**

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